

"The Other 50% . . ."

A Plan
for the Protection of
the Public Health,
Safety and the
Environment

Prepared by:
Permitting and Enforcement Division
California Integrated Waste Management Board

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Preface

The purpose of this document is to describe the programs and activities of the Permitting and Enforcement Division in a strategic way, as priorities that meet internal and external customer needs.

Permitting and Enforcement Division Mission Statement

The mission of the Permitting and Enforcement Division is to protect the public and environment and to balance the concerns of the public, the regulated community, other government agencies, and the Board.

Goals and Objectives

Goal 1 - Achieving Statewide Technical Expertise

We Will Strive To Be The Statewide Technical Experts And We Will Work To Improve The Solid Waste Management System In California.

- a) Identify the Technical Assistance Needs of Our Customers by July 1, 1997, including: LEAs, CIWMB staff, Environmental Organizations, Industry, and etc.
- b) Develop/Design the Programs that Meet the Technical Assistance Needs Identified by Our Customers and Begin Implementation by December 31, 1997.
- c) Meet the Training Needs Identified By Our Customers by Implementing P&E Division's Training Program.
- d) Maintain Accurate up-to-date Records and Information on the States Solid Waste Management System on a State Wide Basis.

Goal 2 - Protection of the Pubic Health and Safety and the Environment

We Will Facilitate Compliance With Solid Waste Statutes, Regulations, And We Will Minimize The Threat To Public Health And Safety And The Environment From Solid Waste Sites In California.

- a) Minimize the Threat to Public Health and Safety and the Environment from Solid Waste Sites By Ensuring Compliance With Regulations.
- b) Assist Others to Minimize the Threat to Public Health and Safety and the Environment From Solid Waste Sites.
- c) Conduct an Effective Tire Program In A Manner Consistent With The Law and Regulations.
- d) Conduct an Effective Financial Assurance Program In A Manner Consistent With The Law and Regulations.

Goal 3 - Improving Local Enforcement Agencies (LEAs)

We Will Ensure Effective LEA Programs.

- a) Develop and Implement Training that meets LEA Identified Needs.
- b) Develop & Implement a Technical Assistance Program that Meets LEA Identified Needs.
- c) Conduct Effective LEA Evaluations in Accordance with the Approved LEA Evaluations Procedures.
- d) Provide Clear and Consistent Guidance and Procedures with Input from the LEAs.

Goal 4 - Promoting 50% Diversion

We Will Support The Diversion Of 50% Of Solid Waste From Land Disposal Through Our Permitting, Enforcement, And Information Dissemination Programs

- a) Have a General Understanding of all Aspects of Waste Management (the 50% Side) with Specific Knowledge of the 50% Aspects by October 1, 1997.
- b) Integrate with Other Divisions in Developing and Implementing Tiered Permitting Process in Conjunction with the P&E Tiered Permitting Coordinator and Board Approved Schedule.
- c) Participate in Working Groups to Discuss Economically Feasible Alternatives to Landfilling Incorporating Emphasis that the Uniform Application of Enforcement Standards Promotes Diversion.
- d) Continue to Assist the 50% Initiative Development Team During 1997.

Goal 5 - Balancing Consistency and Flexibility

We Will Develop Regulations, Policy Guidance, Advisories And Procedures Which Strike The Appropriate Balance Between Consistency And Flexibility.

- a) Using Working Groups of Key Constituents, Identify, Prioritize, and Pursue, Needed Regulations, Policy Guidance, Advisories, and Procedures.

Goal 6 - Improving Communications

We Will Clearly And Consistently Communicate (Internally And Externally) The Decisions, Regulations, Policy Guidance, Advisories And Procedures Of The Board.

- a) Develop Method of Tracking LEA and Operator Questions and Answers so that They Can be Disseminated Throughout the Division and to Interested Parties Through Advisories.
- b) Improve Communication between Branches in the Division and Between Divisions and Offices within the Board.
- c) Improve Communication between Division Staff and External Customers.
- d) Develop Clear and Adequate Documentation and Training for the Division's Automated Systems by the End of 1997.

Core Activities of the Permitting and Enforcement Division

(Various aspects of these activities occur in all of the branches of the Division.)

- Regulatory Development
- Training
- Technical Assistance
- Landfill Decomposition Gas
- Local Enforcement Agency (LEA) Advisories
- LEA Evaluations
- Data Management

Other Significant Activities of the Permitting and Enforcement Division

(These activities are primarily branch specific.)

- Solid Waste Facilities Permit Processing
- Waste Tire Facility Permitting
- CEQA Review and Development
- Facilities Inspections and Enforcement
- Waste Tire Hauler Registration
- Waste Tire Stabilization and Abatement
- Financial Assurances for Disposal Site Closure and Postclosure
- Solid Waste Disposal Site Clean-up
- Closure Plan Review and Approval
- RCRA Subtitle D Lead Agency
- Enforcement Assistance Grants
- Solid Waste Enforcement Agency (in some jurisdictions)
- Facilities Files Management
- Occupational Health and Safety

Core Activities of the Permitting and Enforcement Division

Regulatory Development

Changes in the law, or directives from the Governor's office or the Board often require the development of new regulations or the revision of existing ones. For example, the establishment of a tiered permitting program for solid waste facilities and operations continues to require a significant regulatory development effort; AB1220 (1993) required a major re-write of existing state minimum standards for solid waste facilities to eliminate regulatory overlap. As discrete regulations packages are completed, new ones are initiated.

Significant staff resources are currently allocated, and more may be need, for regulatory development for the following:

- Alternative Daily Cover (PRC 41781.3)
- Wood Waste Handling and Disposal (PRC 43030.1)
- Landfill Decomposition Gas (PRC 43030)
- AB 1220 (PRC 43100 et seq.)
- Enforcement/AB 59 (1995) (PRC 43304)
- Financial Assurances Enforcement (PRC 45000 et seq.)
- Financial Assurances (PRC 43601)
- Site Clean-up Program (PRC 48020 et seq.)
- LEA Evaluation, Training, Assistance (PRC 43214(a))
- LEA Enforcement Assistance Grants (PRC 43231)
- Organic Materials Recycling (Tier Slotting)
- Limited Volume Transfer Operations (Tier Slotting)
- Inert Wastes Handling Facilities (Tier Slotting)
- Non-Hazardous Ash Operations (Tier Slotting)
- Biosolids Operations (Tier Slotting)
- MRFs/Transfer Facilities (Tier Slotting)

Training

The broad intent of the training program is to assist in meeting statutory goals for integrated solid waste management, i.e., increase diversion and the safe and environmentally sound handling and disposal of solid waste. Many groups and individuals are involved with working toward these common goals. A major objective of the program is that LEAs and others will increase their knowledge base, skills and resources, and will be even more effective in promoting an integrated approach to waste management oversight.

Significant staff resources are currently allocated, and more will be needed, for the following kinds of training:

- Organic material Recycling and Odor Issue Workshops
- Calibrated Enforcement
- Overview of Organic Material Recycling
- Closure and Post Closure Plans
- Post Closure Land Use
- Gas Monitoring
- Focused and Regional Training Efforts
- Permits Process
- Tiered Permits and Slotting
- Closed Sites Investigations
- Equipment Loan Program
- CEQA Seminars
- Regulating Orientation
- Joint IWMB/SWRCB Regulation Orientation
- Health and Safety
- Landfill Gas Monitoring
- Enforcement Policy Initiatives (PRC 43101(c)(8), 43217, 43303)

Technical Assistance

AB 1220 clearly prescribed the Board's role in regard to permitting and enforcement as providing technical assistance and ongoing training and support to LEAs (PRC 43101(c)(8)). The following kinds of assistance to LEAs are specifically required by either AB 939 (1989) or AB 1220:

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|--|-----------|
| • Development of technical studies and reports | PRC 43217 |
| • Providing copies of innovative facilities operations plans | " |
| • Investigation and analysis of new waste management practices | " |
| • Establishment of a loan program for technical equipment | " |
| • Investigation of undocumented disposal sites | PRC 45013 |

Significant staff resources are currently allocated and more will be needed for this technical assistance effort.

Landfill Decomposition Gas

The generation of decomposition gas by solid waste landfills can cause a serious public health and safety threat if not properly managed. Division staff have developed unique expertise in the field of landfill decomposition detection and management including:

- State Standards of Gas Control and Monitoring
- Liaison with the Air Resources Board and Local Air Districts
- Technical Support to the Department of Toxic Substances Control
- Selection, Use and Maintenance of Gas Detection Equipment
- Occupational Health and Safety Considerations (PRC 43030)

LEA Advisories

The LEA Advisory, a formal publication, was developed for communicating Board staff advice and technical expertise to the LEAs. In two years more than 30 advisories have been published by the staff often times in response to requests for technical assistance by the LEAs. The subject matter of the advisories includes procedures, suggested approaches to problem solving, guidance on development of mandated programs and scientific methods.

Significant staff resources are currently allocated to the preparation of LEA advisories in support of the Division's training and technical assistance activities. (PRC 43217)

LEA Evaluations

Staff from every branch of the Division contribute to the evaluation of LEAs to ensure that waste programs are implemented uniformly throughout the state. The process includes a review by program staff of detailed information about the LEAs performance during the review period. Processing of solid waste facilities permits, initiation of appropriate enforcement action, conduct of periodic inspections and review of closure plans are just some of the factors considered.

Significant staff resources are currently allocated to the evaluation of LEAs. (PRC 43200 et seq.)

Data Management

Division staff use several automated systems to manage information about core program activities. The Solid Waste Information System (SWIS) keeps track of information related to solid waste facilities and operations, waste tire facilities and closed disposal sites. Information critical to the permitting, enforcement and closure programs is captured and used for program support and LEA evaluation. Other automated systems include the Tire Hauler Database, TRAMIN, GRATIS, CAML and File Tracker.

Significant staff resources are currently allocated to data entry, data management, and preparation of reports for internal use and for the public. (PRC 44015, 43306)

Other Significant Activities of the Permitting and Enforcement Division

Solid Waste Facilities Permit Processing

The mission of this program is to:

- Evaluate and analyze permits for compliance with applicable laws and regulations and consistency with Board policy;
- Coordinate the review of permits by other branches by providing a central point of analysis;
- Make recommendations to the Board regarding permit actions;
- Provide training to LEAs through LEA advisories, consultation and classroom instruction; and
- Develop and communicate regulations and Board policies.
- These services are provided to the Board, Board staff, LEAs, the public and regulated community in meeting statutory mandates for the purposes of protecting the public health and safety, and the environment.

Significant staff resources are currently allocated to the processing of solid waste facilities permits. (PRC 44009, 44002)

Waste Tire Facility Permitting

Public Resources Code Sections 42810-42843 required the development of regulations for procedures and requirements necessary to obtain major and minor waste tire facility permits. Permitting activities include:

- Track waste tire facilities throughout the State.
- Review waste tire facility applications and determine completeness and appropriateness of filing (PRC 42821, PRC 42831, PRC 42832)
- Coordinate with the vector control authorities, fire department authorities, and EA for each application (PRC 42820, PRC 42821, PRC 42830)
- Conduct pre-permit (and pre-exclusion) inspections to verify information provided on application.
- Coordinate with Financial Assurances for Major Waste Tire Facility Permit applications (PRC 42821)
- Coordinate with Environmental Review Unit for Minor and Major Waste Tire Facility Permit applications (PRC 42812)
- Prepare Committee and Board Items.
- Issue Waste Tire Facility Permits (PRC 42822, PRC 42833)

Estimates of the number of waste tire sites range from 250 to 480. Currently about 100 sites have been issued permits or have permit actions pending.

CEQA Review and Development

The CEQA program provides a balanced evaluation of the intent of CEQA and potential environmental impacts associated with solid waste management in California. The program ensures that solid waste projects (permits, clean-ups, closures, remediations) do not create and adverse impact on the environment. These services are provided for the regulated community, Board members and staff, the citizens of California and ultimately, for the protection of the environment. (PRC 21000 et seq.)

Facilities Inspections and Enforcement

The mission of this program is to assure compliance with applicable statutes and regulations at solid waste and waste tire facilities and with waste tire haulers. We protect public health and safety, promote environmental quality and preserve natural resources, by inspecting facilities in order to provide information and assistance for the public, LEAs, the regulated community, other governmental agencies, the Board and Board staff.

Inspection Program

The mission of the Inspection Program is to promote environmental quality, protect public health and safety and preserve natural resources. We accomplish this by promoting consistent enforcement and assuring regulatory compliance at solid waste facilities through training, assistance, guidance, and technical support to LEAs, the regulated community, Board staff and other governmental entities. (PRC 43220)

LEA Enforcement Program Support

Board staff provides support of LEA enforcement programs through assistance in the development of jurisdictional or site specific enforcement strategies, review and comment on Notice and Orders and other enforcement documents, and state inspection follow-up activities.

Inventory of Solid Waste Facilities Which Violate State Minimum Standards

Board staff reviews LEA inspections reports, issues Notices of Intent to place facilities on the Inventory to operators when applicable, places facilities on the Inventory and publishes the Inventory twice annually. (PRC 44104)

Waste Tire Enforcement Unit

The mission of the Waste Tire Enforcement Unit is to protect public health, safety, and the environment. These efforts are accomplished by providing education, technical information, and enforcement activities to obtain regulatory compliance. We are dedicated to proactively providing these services to the public, industry, Board staff, and other governmental agencies. (PRC 45000 et seq.)

Waste Tire Hauler Registration

The law requires annual waste tire hauler registration, similar to automobile registration. Persons intending to become waste tire haulers must register prior to hauling waste tires. Since the January 1, 1995, implementation date, about 4,400 waste tire hauler vehicles have been registered, more than twice as many as the 2,000 originally estimated. New applications are continually being received, and staff anticipates that over 5000 waste tire hauler vehicles will become registered. This law gives peace and traffic officers authority to cite unregistered haulers.

All affected waste tire haulers, as well as waste tire generators, processors, collection, storage, and disposal facilities, must abide by the registration and manifest requirements as set forth in the statute and regulations. This broad-reaching program requires conformance by over 10,000 persons. Destination sites are required to report vehicle license numbers of unregistered haulers. The license numbers are run through DMV. Currently, over 2300 unregistered haulers have been reported. These haulers are notified of their nonconformance and the registration requirements. Continued nonconformance may result in applying civil/administrative penalties on any of the involved parties, i.e., generator, hauler, destination site.

Tracking bond cancellations and bond company changes is an important component of the program. PRC Section 42955 requires that all waste tire haulers have a bond in favor of the State of California in the amount of \$10,000. Bond cancellations automatically result in registration suspension unless a new bond is in force prior to the effective cancellation date.

Haulers violating the statute and/or regulations are subject to claims against their bonds. This activity requires careful evidence in order for the bond companies to release funds for these claims. (PRC 42950 et seq.)

Waste Tire Stabilization and Abatement

At the August 1994, Board Meeting, the Board approved funds for waste tire stabilization and abatement. The contract concept was approved for the 1994-95 fiscal year for \$1 million (\$200,000 for consulting and \$800,000 for stabilization and abatement).

Fifteen sites have been approved by the Board for remediation under this contract. After the Board approved these sites, six were remediated by the property owners or responsible parties. These sites were cleaned without the Board expending any contractual remediation funds. Three sites have been remediated under the contract. Approximately 79,000 tires were removed from these sites at a cost of \$1.22 per tire for a total of \$96,700.

Six sites are pending remediation at this time. Additionally, three sites are pending stabilization.

At the December 1995 meeting, the Board approved a 1995-96 fiscal year contract concept for \$750,000 to continue site remediation and abatement. This contract has been canceled.

An additional contract concept for waste tire stabilization and abatement was presented for the Board's consideration in November 1996. (PRC 42845, 42849, 42846, 42847)

Financial Assurances for Disposal Site Closure and Postclosure

The mission of the Financial Assurances Unit is to assist solid waste facility operators in establishing and maintaining financial assurance mechanisms for the protection of public health and the environment.

- Provide financial expertise and information to Board members, Board staff and the public; and
- Develop effective communications and relationships with operators to implement the regulations (PRC 43500, 436010.1, 42821, 43040, 42821, 43101, 43510)

Solid Waste Disposal Site Clean-up

The mission of this program is to administer a trust fund to remediate eligible sites through loans, grants, and Board managed clean-up where necessary to protect public health, safety, and the environment.

We provide technical services and funding to remediate solid waste disposal problems, and assist other regulatory agencies, the regulated community, and Board staff on technical issues. Our services help protect the public and the environment. (PRC 48020(b))

Closure Plan Review and Approval

We provide technical services to regulate and oversee closure and post-closure activities, remediate solid waste disposal problems, and assist other regulatory agencies, the regulated community, and Board staff on technical issues. Our services help protect the public and the environment through efforts like:

- Technical review and oversight of closure documents and activities;
- Technical assistance and training relative to landfill closure, remediation operational issues; and the assessment and monitoring of CIA sites;
- Oversight of post-closure land use documents and activities;
- Technical review and training for slope stability at landfills, landfill liners/covers, erosion control, revegetation, closure construction management, QA/QC training, scopes of work for contracts; and
- Assistance in the remediation of Department of Defense sites (PRC 43505, 43506, 43507, 43509)

RCRA Subtitle D Lead Agency

P&E staff support the Board in its role as lead solid waste management agency for all federal requirements affecting solid waste, including approval of Subtitle D flexibilities. (PRC 40508)

Enforcement Assistance Grants

Staff administers the distribution of \$1.5 million in grants to LEAs for use in approved permitting and enforcement programs. (PRC 43230)

Solid Waste Enforcement Agency (in some jurisdictions)

Staff performs the duties of solid waste enforcement agency as well as all associated functions relating to a local enforcement program including:

- Inspections
- Permitting of Facilities
- Enforcement Actions
- Review and Approval of Closure Plans
- Response to Complaints
- Response to Emergencies
- Special Site Assessment
- Negotiations
- Billing for Services

Current jurisdictions include the counties of Stanislaus and Santa Cruz, and the cities of Stockton, Berkeley, and Paso Robles. (PRC 43202, 43205)

Facilities Files Management

Through a coordinated and customer focused approach, the P & E Information Center is dedicated to providing state-of-the-art records and information management services to Division and Board staff and the public. These services include maintaining a readily useable and comprehensive records system of California waste handling facilities, establishing records management standards, and identifying and implementing practical solutions for the Division's information and communication needs. (PRC 43306, 44015)

Occupational Health and Safety

It is the personal and professional commitment of the Health and Safety Program to ensure safe and healthful environments for Board staff, governmental agencies and the public. We meet these regulatory mandates through:

- Consultation on Health and Safety Issues;
- Quality Assurance/Quality Control;
- Training and Education; and
- Prevention of Illness and Injury. (CCR, Title 8)